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United States Senate

WASHINGTON, DC 20510-3405

July 19, 2007

Mary A. Bomar
Director
National Park Service
1849 C Street NW
Washington DC, 20240

Dear Director Bomar:

I'm writing to ask you to clarify some conflicting statements by National Park Service officials in recent weeks on the controversial subject of thinning the overpopulated elk herds in certain national parks.

As you might recall, the Theodore Roosevelt National Park in North Dakota has considered hiring federal sharp shooters to thin its overpopulated elk herd. I maintained, and the Congressional Research Service has written a letter confirming, that the National Park Service has ample authority under existing law to use qualified hunters as volunteers in a controlled program to thin the overpopulated herds of elk. In other words, we don't need to pay federal sharp shooters to do something we can qualify North Dakota volunteers to do.

In recent weeks, Michael Snyder, a Park Service regional director, has said that the National Park Service has "existing authority" to use "qualified volunteers" at Rocky Mountain National Park. And based on news reports, Rocky Mountain National Park is considering that as an option.

By contrast, Bill Whitworth, the director of resources management at the Theodore Roosevelt National Park, has suggested that the use of authorized agents might well lead to circumvention of the federal prohibition on hunting in national parks. Mr. Whitworth was quoted as saying that "if it looks like a hunt, it is a hunt, and that's the standard we're going to be held to."

It appears that these two Park Service officials are moving in opposite directions, and I believe there should be a consistent approach that conforms to what both I and the Congressional Research Service have asserted: that the park service has the authority to use qualified hunters as volunteers to thin the elk herds. I hope that you will take steps to clarify the park service's position on this matter, and my hope is at the end of the day common sense will prevail in terms of how this issue is handled.

To my knowledge, no one has seriously suggested that the Theodore Roosevelt National Park be opened to a large-scale, unregulated public hunt. What has been proposed instead is a carefully supervised program to thin the elk overpopulation through the use of qualified, volunteer hunters. I believe Mr. Whitworth's comments suggests that he has

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taken a much more restrictive view than warranted -- one that has pre-judged the issue and ruled out the use of volunteer hunters.

As I understand it, there is clear regulatory authority for the parks to use volunteer hunters. As I indicated above, the Congressional Research Service has written an opinion stating that National Park Service regulations explicitly provide for the use of "authorized agents" to cull overpopulated herds -- and "authorized agents" would include individuals who are not affiliated with the National Park Service and have donated their time and efforts. I am attaching a copy of that opinion for your review.

It seems to me that if there is "existing authority" allowing the use of qualified volunteers at Rocky Mountain National Park, that same existing authority needs to be interpreted properly with respect to the North Dakota Badlands.

The National Park Service needs to resolve this in a manner consistent with its regulations, which do allow the use of volunteer hunters. I'm concerned that if you do not straighten this out, the Theodore Roosevelt National Park will reach the wrong decision -- saddling taxpayers with a huge bill to hire federal sharpshooters to cull the elk herd and ignoring the opportunity to use qualified North Dakota hunters free of charge.

I therefore urge your personal intervention in this matter, and look forward to your prompt response.

Sincerely,



Byron L. Dorgan
United States Senator